

PUBLIC WORKS AND TRANSPORTATION COMMITTEE
of the
SUFFOLK COUNTY LEGISLATURE

Minutes

A regular meeting of the Public Works and Transportation Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veterans Memorial Highway, Smithtown, New York, on Tuesday, **August 3, 2004.**

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MEMBERS PRESENT:

Legislator Peter O'Leary • Chairman
Legislator Dan Losquadro • Vice•Chairman
Legislator Angie Carpenter
Legislator Andrew Crecca
Legislator Brian Foley
Legislator Bill Lindsay
Legislator Ricardo Montano

ALSO IN ATTENDANCE:

Mea Knapp • Counsel to the Legislature
Jim Spero • Budget Review Office
Kevin Duffy • Budget Review Office
Charles Bartha • Commissioner • DPW
Richard LaValle • Chief Deputy Commissioner • DPW
Leslie Mitchel • Deputy Commissioner • DPW
Ben Wright • Director of Division of Sanitation • DPW
Ilona Julius • Deputy Clerk • Legislature
Nicole DeAngelo • Aide to P.O. Caracappa.
Ben Zwirn • County Exec's Office
Lynne Bizzarro • County Attorney's Office
All Other Interested Parties

MINUTES TAKEN BY:

Donna Catalano • Court Stenographer

(* THE MEETING WAS CALLED TO ORDER AT 9:35 A.M. *)

CHAIRMAN O'LEARY:

Good morning, everyone. I'll call the meeting to order please rise for the Pledge of Allegiance led by Legislator Foley.

SALUTATION

CHAIRMAN O'LEARY:

Please remain standing for a moment of silence. Over the past three or four weeks, three members of the law enforcement community died in the performance of their duties. I'd like a moment of silence in memory of Patchogue Village Constable Phil Taldone, Babylon Town Constable Richard Brooks and Suffolk County Police Officer Ed Hernandez.

MOMENT OF SILENCE

CHAIRMAN O'LEARY:

Thank you very much. We do have one card. We'll begin with that. Mr. Kevin McAllister, Peconic Bay. Good morning, Kevin.

MR. MCALLISTER:

Good morning. It's been a while. I hope everyone is having a great summer. Again, as a refresher, you might know •• recall that I'm a coastal biologist by training and obviously an advocate for clean water. And I'm here to speak in strong support for the adopt a shoreline program. As you know, stormwater is probably the single biggest threat to water quality in this nation and certainly locally. Obviously, we read the papers after storm events. We see bathing beaches closed, shellfish beds closed, loaded with pathogens volatile organic compounds, greases, oils, floatables that degrade water quality.

Couple of years ago in assistance of Suffolk County, I had mapped stormwater pipes within a Peconic basin, and there were over 300 discharges in the Peconic alone, and I will guess there are several hundred more on the South Shore bays. As the Phase II permitting comes into place, obviously Suffolk County as well as municipalities will have to grapple with this issue. And obviously, that's of significant concern.

The Adopt a Shoreline Program, I think, is tremendous in the respect to a revenue source that can be directly applied to stormwater remediation. There's no question that technology exists. It's the funds that we need to apply the technology, whether it be Patchogue River, Peconic River, it's literally going to take tens of thousands, if not millions of dollars to remedy and find long term solutions to stormwater management.

I wholly endorse this program. I became familiar with it a couple of years ago with my colleagues within the water keeper alliance. It's applications have been very successful, I believe, in south Florida, certainly California and now other areas of this country. And I strongly encourage this Legislature to give due consideration and hopefully move forward on this initiative. Thank you.

CHAIRMAN O'LEARY:

Thank you, Kevin. Any questions? Okay. There are no other cards. Henry, I believe you have ..

MR. BARTON:

Mr. Chairman, today's schedule has been amended to allow for a special meeting this afternoon. Prior to that decision and notice by the Presiding Officer, there had been scheduled two public hearings for the Ways and Means Committee which are before this Legislature, and I would like to read the notices, give the public an opportunity to address the Legislature, and then with the assent of the Legislators present, recess those public hearings to this afternoon's Ways and Means Committee as previously scheduled and announced to the Legislature.

CHAIRMAN O'LEARY:

Is one of those announcements regarding the light pollution resolution?

MR. BARTON:

I will read the two notices into the record if you allow, Mr. Chairman. The first, there's a notice

of public hearing given that **Introductory Resolution 1686**, a local law entitled, **a charter law to ensure due deliberation of legislation** has been introduced in the Suffolk County Legislature. Said charter law will require the County Executive to provide a specific written reason when issuing a Certificate of Necessity for the immediate consideration of legislation.

Notice is further given that the Suffolk County Legislature will hold a public hearing in the Rose Caracappa Auditorium of the Suffolk County Legislature in the William H. Rogers Building, 725 Veterans Memorial Highway, Smithtown, New York on the third day of August, 2004, at the Ways and Means Committee Meeting at 9:30 a.m. It is requested that speakers prepare a written statement to submit for the record. That was the first public hearing that was scheduled for this morning. There are no cards.

LEG. CRECCA:

Motion to close public hearing.

MR. BARTON:

Mr. Chairman, my suggestion is that it be recessed until this afternoon's Ways and Means Committee.

CHAIRMAN O'LEARY:

I'll make a motion to recess, seconded by Legislator Crecca. On the question of that motion? All those in favor? Opposed? Abstentions? **RECESSED (VOTE:7•0•0•0)**

MR. BARTON:

The second public hearing that was scheduled for this morning for the Legislature, notice is hereby given that **Introductory Resolution 1687**, a local law entitled **a charter law to clarify delegation of responsibility during absence or disability of County Executive** has been introduced to the County Legislature. Said charter law will require an explanation be filed with the County Clerk when the Deputy County Executive signs instead of the County Executive on official documents.

Notice is further given that the County Legislature will hold a public hearing in the Rose Caracappa Auditorium of the Suffolk County Legislature in the William Rogers Building, 725 Veterans Memorial Highway, Smithtown, New York, on the third day of August, 2004, at the Ways and Means Committee Meeting at 9:30 a.m. It is requested that speakers prepare a

written statement to submit for the record. That was also published, and that public hearing is now opened. There are no cards, Mr. Chairman.

CHAIRMAN O'LEARY:

Motion to recess, seconded by Legislator Montano. On the question of the motion to recess? Hearing none, all those in favor? Opposed? Abstentions? It's **RECESSED. (VOTE:7•0•0•0)**

MR. BARTON:

There's a third public hearing that was to be considered today at this particular committee which had been scheduled for three o'clock. For the purposes of a complete record, I'd like to read that notice as the committee is now meeting, and we will handle it according to the wishes of the committee.

Notice of a public hearing is hereby given that **Introductory Resolution 1574**, local law entitled **a local law to reduce light pollution from County•owned buildings** has been introduced in the Suffolk County Legislature. Said local law would require that outdoor lighting on County•owned buildings be shielded so that all light be directed downward. Notice is further given that the County Legislature will hold a public hearing in Rose Caracappa Auditorium, William H. Rogers Building, 725 Veterans Memorial Highway, Hauppauge, New York, on the third day of August, 2004, in the Public Works Committee Meeting. It is requested that speakers prepare a written statement to submit for the record. That meeting had been recessed from June 15th. It is before the committee at this time.

CHAIRMAN O'LEARY:

All right. So it's ••

MR. BARTON:

It had been scheduled for three o'clock.

CHAIRMAN O'LEARY:

3:00 p.m. today.

MR. BARTON:

Yes, sir.

CHAIRMAN O'LEARY:

Okay. There's a request of the sponsor of that resolution, Legislator Schneiderman that this matter be recessed. I'll make a motion to recess.

LEG. CARPENTER:

Second.

MR. BARTON:

Mr. Chairman, you can recess it to the General Meeting or the next committee meeting.

CHAIRMAN O'LEARY:

Next committee meeting.

MR. BARTON:

Thank you, sir.

CHAIRMAN O'LEARY:

There's a motion to recess 1574 to the next committee meeting by myself, seconded by Legislator Carpenter. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? 1574 is **RECESSED** to the next Public Works Committee Meeting. **(VOTE:7•0•0•0).**

Thank you, Henry.

MR. BARTON:

Mr. Chairman, just so that everybody is clear, we will notify anyone who arrives at three o'clock of the fact that it has been recessed, and will also allow them to add any information that they have to the record.

CHAIRMAN O'LEARY:

Very good. I did receive one more card. Mr. Paul Polizzotto, would you come up, please.

MR. POLIZZOTTO:

I'm Paul Polizzitto, the president of the Environmental Communication and the founder of the Adopt a Waterway Program, and I'm here today to talk a little bit about how our program

works. As the County of Suffolk considers Adopt a Shoreline or a program like ours, I want to talk a little bit about what we're doing for communities throughout the United States in the way of providing comprehensive community outreach and education programs and critical funding for technologies that measurably improve water quality.

Our program started in California three years ago, and is now growing throughout the country, in Florida and most recently in Westchester County, New York, where we launched just two weeks. The way our program works is that we place custom very attractive signs where 50% of the money from those signs goes directly to the County to fund stormwater and urban runoff pollution prevention programs. In addition, we provide television public service announcements, we provide a quarterly magazine that deals with educational issues as it relates to water quality. Our goal is to inspire and educate citizens with the county to be part of the solution and to provide critical funding to fund technologies that will measurably improve water quality.

To give you some idea of what we're looking at is we're providing programs throughout the country that are worth half a million to nearly a million dollars a year in the way of education and funding. And our program has won a number of awards. We won the 2002 Keeper Award from the Santa Monica Baykeeper, we won the 2003 Leadership Award from Coastal Living Magazine, won 2003 Leadership and Economic Award from the Governor of California as it related to our program in Long Beach. We have programs in Long Beach and Sacramento and many beach communities in California, a program in Miami and we're moving into Fort Lauderdale, soon to move into Baltimore, Washington D.C. and other areas within the northeast.

So as Suffolk County considers these types of programs, we hope to have an opportunity to participate and compete in an RFP. And we've had an opportunity to meet with Department of Public Works, we've had a chance to meet Mitch Pally, part of the Long Island Association. He's quite excited about the program and thinks the business community will embrace it. So I just wanted an opportunity to introduce myself today and look forward to an opportunity of perhaps bringing one of these programs to Suffolk County. Thank you.

CHAIRMAN O'LEARY:

Thank you very much. Any questions? Okay. Well move on. Thank you. Thank you, again. I have a request of Commission Bartha, who wishes to come up and address the agenda. He has

some limited time this morning, he has to be leaving us shortly. So before we get to the actual agenda, Commissioner Bartha wishes to address the committee with respect to, I'm assuming, Charlie, items on the agenda that you wish to discuss?

COMMISSIONER BARTHA:

Yes. I appreciate the courtesy certainly, and I just wanted to be available to answer any questions on any items on the agenda.

CHAIRMAN O'LEARY:

Okay. Are there any questions of the committee members to the Commissioner regarding any items on the agenda? Legislator Foley.

LEG. FOLEY:

Thank you, Mr. Chairman. Commissioner, one the Introductory Resolutions, 1664, I'm pleased to see that you are appropriating monies for lane markings. As you know, that's a key traffic safety issue, even though it may not receive the attention it deserves from some. But with these monies along with •• is it not also correct that you have some machinery that also does lane markings? So is this in combination with that or as a substitute to it?

COMMISSIONER BARTHA:

This is in combination with that. We have •• actually this year we purchased a new paint stripping truck. What this is is thermoplastic pavement markings, which we'll put in high traffic locations. They last much longer than the paint put down by our equipment.

LEG. FOLEY:

I'm happy to hear that, because as you know, we have had conversations, my office and your's, over a period of time where some of the heaviest use of intersections is in my Legislative District, and the regular lane markings do wear out rather quickly. So once this is approved next Tuesday •• even before then, I'll once again submit the intersections where the thermoplastic is really, really necessary, because it •• particularly along the bridges along Sunrise Highway that are County bridges. It's just •• it's virtually •• well, transparent the markings that are there. So I look forward to utilizing these monies for the express purpose contained in the resolution. Thank you.

LEG. LINDSAY:

Mr. Chairman.

CHAIRMAN O'LEARY:

Legislator Lindsay.

LEG. LINDSAY:

Yeah. Not so much on any pending resolution, but, Charlie, could you give us an update on the Raynor Park situation.

COMMISSIONER BARTHA:

I'll defer to Chief Deputy Rich LaValle on that one.

CHIEF DEPUTY COMMISSIONER LAVALLE:

We have been working with the County Attorney's Office to develop the agreements necessary to progress that project. The bonding company has selected a construction contractor. We have been interviewing him. We're still waiting for some paperwork documents in terms of meeting the requirements for the contract. Our staff met with the contractor last week to go over these •• this information. We hope to have that in very shortly. Once we have that information in, then we'll be prepared to enter into agreements with the contractor as well as the bonding company.

LEG. LINDSAY:

Any projection on when we will physically start construction?

CHIEF DEPUTY COMMISSIONER LAVALLE:

It really will depend upon when we get all the paperwork in. It's difficult to say. I would hope that we'll have it under construction by fall.

LEG. LINDSAY:

Do you think it will be operational next year?

CHIEF DEPUTY COMMISSIONER LAVALLE:

Most likely parts of the area may be operational, it just depends on where we are. If we have a tough winter, that might be a problem. Obviously we want to get the fields in the condition

that they will be playable in the spring, as much as we'd like to have a season without anything on them. That might not be possible in this case, but we're going to try to do the field as quickly as we can, make sure they're up and running. But hopefully we will have the whole facility up and running.

LEG. LINDSAY:

But we're going to build a job with the additional alternates that we added?

CHIEF DEPUTY COMMISSIONER LAVALLE:

Yes. Everything is in the job.

LEG. LINDSAY:

Okay. And again, I don't have remind you guys, but the park has been closed now for two seasons, and it's really put a strain on some of the activities in that area.

CHIEF DEPUTY COMMISSIONER LAVALLE:

We are well aware of that, and we appreciate the patience of yourself and the community bearing with us. It's been a difficult process. But hopefully we will have met all our goals and will be able to move ahead in the very near future.

CHAIRMAN O'LEARY:

Okay. Legislator Carpenter.

LEG. CARPENTER:

Charlie, I heard the Chairman say that you were here for a limited time for this meeting. Are you planning on being at the Public Safety Meeting at 11:30, because we had planned a discussion on the modulars?

COMMISSIONER BARTHA:

No. Actually, I have two other meetings that were scheduled this morning, but I will be at the General Meeting at one o'clock today.

LEG. CARPENTER:

Is someone from your department going to be available to answer any questions that we may have?

COMMISSIONER BARTHA:

We had not been requested yet, but I gather we are being requested now.

LEG. CARPENTER:

I had thought that •• I had been out of town for a couple of days •• but my office was in contact with someone or I assumed that they were.

COMMISSIONER BARTHA:

We will have Tedd Godek present.

LEG. CARPENTER:

Okay. Thank you.

COMMISSIONER BARTHA:

There are three sewer district resolutions, which had been tabled last time, Southwest Sewer District Resolutions, which I'd like to briefly address. One is a public hearing for a total of \$25.8 million worth of construction. And the other two are resolutions to amend the budget and appropriate •• well, to appropriate the money basically. One is a transfer of funds from the Assessment Stabilization Reserve and the other is from the Capital Budget.

This work will •• is necessary. The incinerators are not working at Bergen Point presently. They are of old technology, and it's a very severe use. There's new technology. The work is presently under design now and it will provide both new incinerators that are much more energy efficient, as well as a new sludge processing system, which with new belt presses and blend tanks, you wind up with a drier sludge than we have now, which is also a cost savings measure in the long run. The cost to the average home is \$11 for this large amount of work.

CHAIRMAN O'LEARY:

You are referring to 1624, 1625 and 1626?

COMMISSIONER BARTHA:

That's correct.

LEG. LINDSAY:

Could I, Mr. Chairman.

CHAIRMAN O'LEARY:

Okay. Legislator Lindsay.

LEG. LINDSAY:

What's the total dollar amount of those three projects?

COMMISSIONER BARTHA:

25.875 million.

LEG. LINDSAY:

For all three projects?

COMMISSIONER BARTHA:

All three projects, yes.

LEG. LINDSAY:

And do you anticipate putting those out for bid this year?

COMMISSIONER BARTHA:

The incinerator work would go out to bid late this year; is that correct, Ben?

MR. WRIGHT:

No.

COMMISSIONER BARTHA:

Good thing Ben is here.

MR. WRIGHT:

The project is phased. The incinerators because of the budget process have been pushed off until 2006. This element of the project for the blend tanks and the belt presses are the first

phase in order to improve the system that's there and aging and lacking projected capacity.

LEG. LINDSAY:

And will they go out to bid this year?

MR. WRIGHT:

We have to go through the State Comptroller's Office. So we anticipate that we could, the design will be ready to go out. Our typical approach with a schedule with the State Comptroller's Office might take four months. So depending on the public hearing if it was held in August, we need a findings resolution and the application goes to Albany, it could be advertised in November•December depending on the Comptroller's schedule.

LEG. LINDSAY:

But more likely beginning •• first phase beginning next year and the incinerator '06 the following year?

MR. WRIGHT:

Yes.

LEG. LINDSAY:

Thank you.

CHAIRMAN O'LEARY:

There is a question here before us by Counsel that was under the impression that these resolutions were transferred to Budget, is that ••

MS. KNAPP:

Alexandra, 1626, which is the transfer of Assessment Stabilization Funds for the sewer district, that uses the Assessment Stabilization Reserve fund. It was my recollection that at the request of Legislator Bishop and Legislator Crecca, all of those were transferred to budget. Am I wrong about that one?

MS. SULLIVAN:

I'll have to go back and look.

CHAIRMAN O'LEARY:

Legislator Crecca?

LEG. CRECCA:

I'm sorry. What was that?

MS. KNAPP:

I'll defer to Jim. Jim, is this the reserve fund that all of the requests went to Budget or am I thinking of a different one?

MR. SPERO:

This is transferring \$16.1 million from the Assessment Stabilization Reserve Funds reserved for sewer projects. I believe it was transferred to Budget. And just to remind the committee these funds are loans to the various sewer districts and have to be repaid to replenish the Stabilization Fund over a period.

CHAIRMAN O'LEARY:

Who repays?

MR. SPERO:

The sewer district residents. However, to the extent that the sewer district rates might be impacted above a three percent annual increase, Assessment Stabilization Reserve Funds come back into the district to stabilize the rates. So it's just a form of internal borrowing; instead of going to the financial institutions to borrow, we're borrowing the money from ourselves. It's going to be repaid to the Assessment Stabilization Reserve Fund with interest. And the rates are stabilized in all the sewer districts at an annual rate of three percent a year increase.

CHAIRMAN O'LEARY:

So that would be the increase of the rates to the residents within the district, three percent?

MR. SPERO:

Three percent a year.

MR. WRIGHT:

If I could add, the report that was sent to all Legislators July 12th included that concept that it would be repaid over a 20 year period.

CHAIRMAN O'LEARY:

Okay. Legislator Carpenter, do you have a question?

LEG. CARPENTER:

Charlie, the proposed •• the hearing for the proposed increase, do you have the numbers of what that increase is and what it will translate to to the users of the district per user?

COMMISSIONER BARTHA:

That would be the \$11 per home.

LEG. CARPENTER:

Per home per?

MR. WRIGHT:

Per year.

LEG. CARPENTER:

Okay. Thank you.

CHAIRMAN O'LEARY:

Any other point you want to raise, Commissioner, with respect to the agenda?

COMMISSIONER BARTHA:

No.

CHAIRMAN O'LEARY:

Any questions for the Commissioner before we get into the agenda? Okay. Then we'll move to the agenda under tabled resolutions.

TABLED RESOLUTIONS

1236•04. Approving rates established for Davis Park Ferry Company. (PRESIDING

OFFICER)

CHAIRMAN O'LEARY:

Kevin, I understand that there's still some unresolved issues.

MR. DUFFY:

We received the financial statements from Davis Park Ferry on July 27th. We've begun to work on it. The resolution was originally filed February 24th. So if it is not adopted by August 24th, the resolution and the public hearing will have to be done. I do not know, because I've just started working, whether our report will be done by then, but we'll keep you informed.

CHAIRMAN O'LEARY:

If the matter is not resolved by the 24th?

MR. DUFFY:

What would happen is that the applicant would have to submit a new petition and also would be required to submit a •• have a new public hearing and also a new resolution.

CHAIRMAN O'LEARY:

Is the applicant aware of the fact that there are some issues and questions involving the financials?

MR. DUFFY:

I'm in the process of writing him a letter, and that should be going out shortly.

LEG. FOLEY:

Mr. Chairman.

CHAIRMAN O'LEARY:

Legislator Foley.

LEG. FOLEY:

Thank you. You have requested certain documentation over the last number of months that still has not been forwarded, is that •• is that not correct?

MR. DUFFY:

We have open items that I still need.

LEG. FOLEY:

Dating back •• dating back a number of months?

MR. DUFFY:

Right.

LEG. FOLEY:

And that's part of the reason why, just so the record can be clear, that we have continued to table the resolution.

MR. DUFFY:

That's correct.

LEG. FOLEY:

And you need that information in order to have a more complete report to us.

MR. DUFFY:

Correct. You wouldn't be able to make an informed decision until we get all the information, because the last time Davis Park Ferry has been before the Legislature for a rate increase was in 1987, 17 years ago.

LEG. FOLEY:

If you could be kind enough to send the Chair as well as myself a copy of your correspondence to the applicant.

MR. DUFFY:

Yes.

LEG. FOLEY:

Thank you.

CHAIRMAN O'LEARY:

1236 is tabled, we'll continue the tabling. Motion to table by Legislator Foley, seconded by Legislator Montano. On the question of the motion to table? All in favor? Opposed? Abstentions? 1236 is **tabled. (VOTE:7•0•0•0)**.

1240•04. Approving Adopt A County Shoreline Program. (COOPER)

LEG. FOLEY:

Motion to approve.

CHAIRMAN O'LEARY:

Motion to approve by legislator Foley, seconded by Legislator Montano. On the question of the motion to approve?

LEG. LINDSAY:

Yeah, I have a question.

CHAIRMAN O'LEARY:

Legislator Lindsay.

LEG. LINDSAY:

We've got this Adopt a Waterway Program that we spoke about this morning, this is not the same program, right, it is?

LEG. LINDSAY:

Would you mind if ••

CHAIRMAN O'LEARY:

The question is if the Adopt a County Shoreline Program Resolution introduced by Legislator Cooper the same as the Adopt a Waterway Program?

MR. POLIZZOTTO:

Our program is referred to as the Adopt a Waterway Program. I think the County is really looking to put out an RFP, I guess that's the name they wanted to call their program. As the

RFP is developed, we would like an opportunity to provide the Adopt a Waterway Program to Suffolk County. We feel we're uniquely qualified to do that.

LEG. LINDSAY:

So it's the same concept. And if we put out an RFP, of course, you folks would bid on it?

MR. POLIZZOTTO:

Precisely.

CHAIRMAN O'LEARY:

This wouldn't be redundant, would it? Would it be a duplication of effort if we move forward with this particular program and then approve Adopt a Waterway Program, is it not similar?

MR. POLLIZZOTTO:

What we would be proposing is that you call the program Adopt a Waterway Program since it's known throughout the business community. You know, we have sponsors like Boeing, Northrop Grumman, Comcast, Cablevision, big sponsors that know of our program. So our suggestion would be if we're fortunate enough to succeed in winning the RFP, that you call the program Adopt a Waterway Program.

The one thing I wanted to add too just to my comments is that this program Comes at absolutely no cost to the County. We bring in all the sponsors, we design, manufacture, install and maintain the signage. And we develop all the television spots, we work with Cablevision to have them aired during prime time. The County will be responsible for no work whatsoever other than to spend the money to improve water quality. That's all that's required of the County.

CHAIRMAN O'LEARY:

All right. But specifically, Adopt a Waterway is the same exact effort that we put forward as Adopt a County Shoreline?

MR. POLIZZOTTO:

Correct.

MS. KNAPP:

I'd like to just clarify. This resolution was originally drafted by former Legislative Counsel, and I adopted it almost in its entirety. And I agree that the County's program, if it were to have exactly the same title, there might be some thought that the County was not going to a competitive process. And in order to avoid even the impression that the County was not going to a competitive process, Legislative Counsel, both former and present, changed the name of the program so that if there is someone out there who has a better program, we're free to adopt that one.

MR. POLIZZOTTO:

Absolutely. We went through this process in Nassau County where we went to an RFP and we're just in the final stages of contract with Nassau County now. There was a competitive bid there.

LEG. LINDSAY:

Thank you.

MR. POLLIZZOTTO:

Thank you very much.

CHAIRMAN O'LEARY:

Thank you, sir.

LEG. FOLEY:

Motion, Mr. Chairman.

CHAIRMAN O'LEARY:

Motion to approve Legislator Foley.

LEG. FOLEY:

Yes.

CHAIRMAN O'LEARY:

There's a motion to approve by Legislator Foley, seconded by Legislator Montano. On the question of the motion to approve 1240? Hearing none, all those in favor? Opposed?

Abstentions? Motion is unanimous. **APPROVED. (VOTE:7•0•0•0).**

**1362•04. Approving cross bay ferry license for Bayard Marine Corporation.
(PRESIDING OFFICER)**

CHAIRMAN O'LEARY:

Kevin, what is the status of the application process with respect to Bayard?

MR. DUFFY:

The applicant has submitted an amended resolution and has also committed three consents. The consents seek to add back Ocean Beach and Fair Harbor. When we looked at the consents that he had submitted, the Ocean Beach one and the Fair Harbor one had been limited. The Ocean Beach consent says that it gives permission for the program to land at Ocean Beach for the purpose of conducting business to fulfill the contractual obligations with the Incorporated Village of Ocean Beach. It's not a general consent. It's limited to just the business it would perform with Ocean Beach.

CHAIRMAN O'LEARY:

Which would be hauling garbage?

MR. DUFFY:

Hauling garbage, yes. Also, the Town of Islip submitted a consent for Fair Harbor, and again, this consent is limited. And it says that it's for the purpose of conducting business as described in the Town of Islip Solid Waste Contract dated February 21, 2001 with the community of Fair Harbor. Again, it's limited to just hauling garbage. The consents that were submitted from the US Department of the Interior for Watch Hill, Talisman/Barrett Beach and Sailors Haven grant permission for the hauling of freight when the services of the program are requested either by the National Park Service or one of our concession operators. All these consents do not seem to be open to the general public. We would defer to Counsel, because the resolution appears to just provide a license to provide public freight service to those various communities, and the consents that have been received are limited by the individuals who granted them.

CHAIRMAN O'LEARY:

All right. So it is your statement then that there are still some questions concerning the application process, or those matters have been resolved?

MR. DUFFY:

It would be my opinion that there would still be a concern with the resolution that if that is what the applicant wishes to do, and I would defer to Counsel, the resolution for the license has to be amended to limit those various locations to just the consent that was given.

CHAIRMAN O'LEARY:

I'm under the impression that the public hearing on this matter has been recessed, so it's still continuing.

MR. DUFFY:

Yes.

CHAIRMAN O'LEARY:

Counsel, do you have any comments regarding this?

MS. KNAPP:

The amended copy deadline was yesterday at five o'clock, and this issue rose just before the deadline. I agree with Mr. Duffy that we need to clarify with the applicant whether or not he intended his consents to be limited only to the garbage contract or whether he wanted a full ferry license. If he wants a full ferry license, he has to get his consents corrected. If he wants to limit his license to garbage, then he has to amend his petition. So there is a question.

LEG. LINDSAY:

I have a question.

CHAIRMAN O'LEARY:

Legislator Lindsay.

LEG. LINDSAY:

I mean, aren't we in a situation here of the chicken or the egg? I mean, he has full consents for some locations in Fire Island and others are limited, but we're saying that he needs a license to operate on the bay.

MR. DUFFY:

What the situation is is that he has a choice of deciding what he wants to do. If he wants to conduct only the garbage business or the business in accordance with those three consents, he would have to amend his resolution limiting that service to that area. If he has the general consent from the other locations, then in those locations, he can conduct a full public ferry freight service where he's open to general public. The consents that had been given him by Ocean Beach, Town of Islip and the department of Interior have indicated that they're only giving their permission based upon limited circumstances, the circumstances that they described.

LEG. LINDSAY:

But doesn't he have other consents that allow him to haul freight?

MR. DUFFY:

Yes, he does.

LEG. LINDSAY:

So it's a mixed bag.

MR. DUFFY:

It's a mixed bag.

LEG. LINDSAY:

He has some locations that says he can do business and some that say he can do limited business.

MR. DUFFY:

Right. But if that's what he wants to do, then his resolution should be amended that he is providing freight service in the following areas.

CHAIRMAN O'LEARY:

Just to clarify, Kevin, Bayard has an application for a ferry license where they want to haul freight garbage and people?

MR. DUFFY:

No.

CHAIRMAN O'LEARY:

All right. You know, I ain't getting on that ferry. This has nothing to do with the transportation of persons back and forth, it's strictly a freight and garbage.

LEG. LINDSAY:

So we still have to recess it to get that •• the limited ones modified?

MR. DUFFY:

Yes.

LEG. LINDSAY:

Or can we grant the license and have those locations limit what he can do as far as landing freight at those locations?

MR. DUFFY:

I will defer to Counsel.

MS. KNAPP:

It has always been our practice to have the consents in place. The concern that I have is that we don't ever issue a piece of paper to a ferry operator, so that I'm concern that if we grant a license that is limited in only some respects, unless that's clear to everyone, that you know, that it would get lost in the midst of time, so to speak. I think legally we probably could fashion our approval resolution so that it would reflect the circumstances, but quite frankly, it would be much better practice to have the amendment and the consents conform to each other. It would solve problems in the future.

LEG. LINDSAY:

I'll make a motion to recess.

CHAIRMAN O'LEARY:

Legislator Carpenter, before I entertain a motion.

LEG. CARPENTER:

Kevin, have you been in contact with the petitioner so that he understands all of this and we can help him move this along?

MR. DUFFY:

I just looked at this yesterday and I just spoke to Counsel this morning, because I didn't want to give him any information until I checked with Counsel.

LEG. CARPENTER:

All right. So are you going to be contacting him then?

MR. DUFFY:

Yes.

LEG. CARPENTER:

Thank you.

CHAIRMAN O'LEARY:

The public hearing on this matter has been recessed, so we'll continue a tabling motion until such time as the public hearing is closed. I believe it's scheduled again for August 10th, the public hearing. Legislator Lindsay makes a motion to table, seconded by myself. On the question of the motion? All in favor? Opposed? Abstentions? 1362 is **TABLED. (VOTE:7•0•0•0).**

1364•04. Authorization of rates for Bayard Marine Corporation for cross bay license within the County of Suffolk. (PRESIDING OFFICER)

CHAIRMAN O'LEARY:

As should be the 1364. Motion to table by Legislator Lindsay, seconded by myself. On the question of the motion? All those in favor? Opposed? Abstentions? **TABLED (VOTE:7•0•0•0).**

1571•04. Amending the 2004 Capital Budget and Program and appropriating funds for rewiring historic structures at the Vanderbilt Museum. (COOPER)

CHAIRMAN O'LEARY:

My understanding, Jim, is there's no fiscal impact on this?

MR. SPERO:

Well, it's transferring \$110,000 from the Legislature's infrastructure improvement project to the Vanderbilt Museum. I believe the funding is going to be used for the Hall of Fishes Building. So the fiscal impact is the debt service on the \$110,000 over a period of about ten years.

LEG. FOLEY:

Motion to approve.

CHAIRMAN O'LEARY:

Motion by Legislator Foley, seconded by Legislator Lindsay. On the question of the motion, Legislator Crecca.

LEG. CRECCA:

Legislator Carpenter mentioned it a moment ago, but we had already authorized money, was that for a different part of the park, is it now because it's the Hall of Fishes that's it's additional money?

MR. SPERO:

The funding that the Legislature appropriated for rewiring and electrical improvements at the Museum isn't sufficient to complete all the work.

LEG. CRECCA:

So this is in addition?

MR. SPERO:

This would be an additional amount that's required.

LEG. CRECCA:

I'm going to •• again, you know, I'm certainly not going to vote in favor of this, but I don't have the greatest track record when it comes to appropriations at the Vanderbilt give their inconsistency in requests for funds. So you know, I'd make a motion to table, but certainly

Legislators are free to do what they wish.

LEG. CARPENTER:

I have a question.

CHAIRMAN O'LEARY:

Legislator Carpenter.

LEG. CARPENTER:

You said that this is coming from the Legislature's infrastructure capital account, is there not within the existing Vanderbilt Capital Projects, should they not be prioritizing amongst their own projects? Because I know we went through this with a number of things, the projector being one of them, where they desperately wanted the money for it and then went to use it for something else and kept coming back for more money. So shouldn't they be prioritizing within their own projects?

MR. SPERO:

I could check the Capital Budget to see what other projects have funding scheduled for 2004, and see if those funds might be available to be used as an offset.

LEG. CARPENTER:

Okay. I'm going to make a motion to table so that we can look at changing that offset to having it be a Vanderbilt project. So let them prioritize, you know, their projects internally.

LEG. CRECCA:

I'll second.

CHAIRMAN O'LEARY:

Motion to table by Legislator Carpenter, seconded by Legislator Crecca. All those in favor of the tabling motion? Two. Opposed? Five. There's a motion to approve by Legislator Foley, seconded by Legislator Lindsay. On the question of the motion to approve? Hearing none, all those in favor? Opposed?

LEG. CRECCA:

Opposed.

CHAIRMAN O'LEARY:

One opposed, 6•1. **APPROVED. (VOTE:6•1•0•0) (Opposed; Legis Crecca)**

1574•04. Adopting Local Law No •• 2004, A Local Law to reduce light pollution from County•owned buildings. (SCHNEIDERMAN)

CHAIRMAN O'LEARY:

This matter has been recessed under the earlier discussion portion. We'll continue the motion to table. **TABLE. (VOTE:7•0•0•0).**

1583•04. Authorizing the execution of a contract with the New York State Energy and Research Development Authority (NYSERDA) for the study of the use environmentally sensitive fuel for the County fleet. (PRESIDING OFFICER)

CHAIRMAN O'LEARY:

Is there a motion to approve?

LEG. LINDSAY:

I'll make the motion to approve.

CHAIRMAN O'LEARY:

Motion by Legislator Losquadro.

LEG. FOLEY:

I'll second.

CHAIRMAN O'LEARY:

Seconded by Legislator Foley. Legislator Losquadro.

LEG. LOSQUADRO:

I know last cycle I made a motion to table this. I've since spoken with DPW, and I feel it is appropriate at this time to move forward with this. I'm currently in discussions with them regarding some other initiatives this alternative fuels, but this in no way conflicts with that. So I'll make a motion to approve at this time.

CHAIRMAN O'LEARY:

There's a motion to approve before us? Any other questions on the motion.

LEG. CRECCA:

On the motion.

CHAIRMAN O'LEARY:

On the motion, Legislator Crecca.

LEG. CRECCA:

I'm looking at the fiscal impact statement that's attached. It says that the proposed legislation will have a fiscal impact on the County, and then I look at the cost to taxpayers, zero. So is there's an inconsistency there. So I was wondering if that can be explained by Budget Review and what is the expected cost of enacting this resolution?

CHAIRMAN O'LEARY:

Jim, can you respond to that.

LEG. CRECCA:

It's the County Executive's resolution, yeah, but I still want to know. Is the Commissioner still here?

CHAIRMAN O'LEARY:

He left. Is there anyone from the County Executive's Budget staff here? No.

LEG. CRECCA:

Rich, are you familiar with the resolution or no?

CHIEF DEPUTY COMMISSIONER LAVALLE:

I'm familiar with the resolution. As far as the fiscal impact, I don't see a fiscal impact in terms of •• other than the initial cost to do the study. The intent is to look into environmental sensitive fuels which ultimately might have an impact, either positive or negative, depending upon the results of the study.

LEG. CRECCA:

Do you know what the cost of hiring the consultant is?

CHIEF DEPUTY COMMISSIONER LAVALLE:

The consultant is going to be hired by NYSERDA. NYSERDA, LIPA and the County are both equal partners in, \$15,000 each for a total cost of roughly \$45,000 for the study. And NYSERDA has already put out an RFP, they already have a consultant prepared to •• and they're prepared enter into an agreement as soon as all the funding is in place.

LEG. CRECCA:

What happened to •• there was a resolution back in 2002, sponsored by Legislature Postal?

CHIEF DEPUTY COMMISSIONER LAVALLE:

That was the first part. That resolution established a guidelines of which this is the second part. The first part of that resolution required us to seek funding for a study with emphasis on electric cars and things of that nature. But looking at other alternatives, which we've done •• it's taken us two years to put LIPA and NYSERDA together on this package. Now, the second part of that is to provide the funding and the authorization to proceed with the actual study.

LEG. CRECCA:

I would just ask •• certainly \$15,000 is a reasonable cost under the circumstances. I would just ask that the County Executive's Office have the fiscal impact statement properly completed as the backup •• you know, amended. I will not •• you know, I will certainly vote to approve this. Jim.

MR. SPERO:

Just to point out •• make a point about energy usage, because we looked at this when we review the Community College budget. And that •• there's been a switch to natural gas for a variety of purposes. The County's been using more of it, and it's been used more for electric generation. So obviously the supply and demand goes into effect, and the pressure on natural gas prices has been increasing. So we're projecting about a 25% increase in the cost of natural gas over the course of the next year or so. And I just wanted to make the Legislators aware of that. And it's a major finding in our report on the college budget that we're anticipating over a million dollars in increased energy costs from the recommended amount for utilities.

CHAIRMAN O'LEARY:

Anything else, Legislator Crecca?

LEG. CRECCA:

No. Thank you, Mr. Chairman.

CHAIRMAN O'LEARY:

Okay. There's a motion to approve 1583 by Legislator Losquadro, seconded by Legislator Foley. Any other questions on the motion to approve? Hearing none, all those in favor? Opposed? Abstentions? 1583 is **APPROVED. (VOTE:7•0•0•0).**

1624•04. A resolution calling for a public hearing for the purpose of considering the proposed increase and improvement of facilities for Sewer District No. 3• Southwest. (COUNTY EXEC)

CHAIRMAN O'LEARY:

There's a public hearing scheduled for 8/10. I'll make a motion to table 1624, seconded by Legislator Foley. On the question of the motion?

LEG. CRECCA:

Doesn't this have to get •• we have to approve this to set the public hearing.

CHAIRMAN O'LEARY:

I'm sorry. You're absolutely correct. I'm still in my vacation mode.

LEG. FOLEY:

Motion to approve.

CHAIRMAN O'LEARY:

There's a motion to approve by Legislator Foley, seconded by myself on 1624. On the question of the motion to approve? Hearing none, all those in favor? Opposed? Abstentions? 1624 is **APPROVED. (VOTE:7•0•0•0).**

1625•04. Amending the 2004 Capital Budget and Program and appropriating funds

through the issuance of serial bonds for the improvement to Suffolk County Sewer District No. 3 • Southwest. (COUNTY EXEC)

CHAIRMAN O'LEARY:

There's a motion to table by Legislator Losquadro, seconded by myself. On the question of the motion to table? Question by Legislator Foley.

LEG. FOLEY:

The reason for the tabling?

CHAIRMAN O'LEARY:

For the purpose of a public hearing.

LEG. FOLEY:

Very good.

CHAIRMAN O'LEARY:

Twenty•five and 26 are tied into 24 •• with the understanding that Resolution 1625 and 1626 are tied in with 1624. There's a motion to table by Legislator Losquadro, seconded by myself. On the question of the tabling motion? Hearing none, all in favor? Opposed? Abstentions? 1625 is **TABLED. (VOTE:7•0•0•0)**

1626•04. Transferring Assessment Stabilization Reserve Fund to the Capital Fund, amending the 2004 Operating Budget, amending the 2004 Capital Budget and Program and appropriating funds for Suffolk County Sewer District No. 3 • Southwest sludge treatment and disposal. (COUNTY EXEC)

LEG. LOSQUADRO:

Same motion.

CHAIRMAN O'LEARY:

Same motion, same second. On the question of the motion to table? Hearing none, all in favor? Opposed? 1626 is **TABLED. (VOTE:7•0•0•0)**

INTRODUCTORY RESOLUTIONS

1662•04. Renaming County Road 50, Union Boulevard in the Town of Islip as "Ronald Reagan Memorial Boulevard". (ALDEN)

CHAIRMAN O'LEARY:

Is there a motion to approve?

LEG. LOSQUADRO:

Motion.

CHAIRMAN O'LEARY:

Motion to approve by Legislator Losquadro, second by ••

LEG. CARPENTER:

On the motion.

CHAIRMAN O'LEARY:

Seconded by myself to move the motion. On the motion, Legislator Carpenter.

LEG. CARPENTER:

Rich, is this a ceremonial naming?

CHIEF DEPUTY COMMISSIONER LAVALLE:

Yes, as far as I know.

LEG. CARPENTER:

Okay. I just wanted to make sure it's ceremonial. Thank you.

CHAIRMAN O'LEARY:

Question. Is this the entire length of Union Boulevard throughout the entire Town of Islip?

CHIEF DEPUTY COMMISSIONER LAVALLE:

Legislator Alden's resolution.

CHAIRMAN O'LEARY:

I know it is.

MS. KNAPP:

My notes indicat it was limited to the Town of Islip.

CHAIRMAN O'LEARY:

Legislator Foley, you have a question.

LEG. FOLEY:

My question •• well, one question was the length of the •• it's the whole length of County Road 50 in Islip Town?

LEG. CRECCA:

It's a big town, a big stretch.

CHAIRMAN O'LEARY:

It's a ceremonial •• yes. Legislator Montano.

LEG. MONTANO:

Just for the record, indicate when you say ceremonial, what are we talking about exactly.

CHIEF DEPUTY COMMISSIONER LAVALLE:

Basically we will just install a sign at either end of the road in both directions indicating the name of the road.

LEG. MONTANO:

But in the third resolve clause it says that any portion of Union Boulevard located in the Town of Islip that has previously been renamed shall not be changed. What sections of Union Boulevard have previously been renamed?

CHIEF DEPUTY COMMISSIONER LAVALLE:

There's a section of Union •• I take that back. I'm not sure.

LEG. MONTANO:

Let me rephrase it then. What sections, if you know, of Union Boulevard would be named Ronald Reagan Memorial Boulevard if this passes? What parts of the Town of Islip?

CHIEF DEPUTY COMMISSIONER LAVALLE:

The way the resolution is written, the entire road except anything that we might •• might have already been named. I'm not sure •• I don't have an answer for that. I can get that information and let you know.

CHAIRMAN O'LEARY:

As a ••

LEG. MONTANO:

I would make a motion to table it then.

CHAIRMAN O'LEARY:

As a ceremonial resolution for all intents and purposes, this isn't changing the name of the roadway from Union Boulevard to Ronald Reagan, it's memorial signs that get put up at the beginning and the end of the road; is that correct?

CHIEF DEPUTY COMMISSIONER LAVALLE:

That's correct.

LEG. CRECCA:

If I can just to clarify.

CHAIRMAN O'LEARY:

I have a motion to table by Legislator Montano. Is there a second on the tabling motion?

LEG. LINDSAY:

I'll second.

CHAIRMAN O'LEARY:

Seconded by Legislator Lindsay. Legislator Crecca.

LEG. CRECCA:

On the motion to table. To answer your question, Union Boulevard runs from West Islip on the most westerly portion of Union Boulevard •• actually, it runs to Babylon.

LEG. MONTANO:

Right. It runs parallel to Main Street.

LEG. CRECCA:

Yeah. North of Main Street and it ends about the Great River area. So it would be that section that's renamed in a memorial fashion this way. Just to answer your question, because I know that was your reason for the tabling.

LEG. MONTANO:

I don't think that's my •• the way I'm reading the resolution, I'm understanding that there are certain portions of Union Boulevard that have been renamed, and that this resolution would not affect that. So I'm trying to figure out what sections of Union Boulevard within the area that you have described have been renamed, and that I don't know the answer to.

LEG. CRECCA:

I don't know how this affects, though, this resolution passing or not passing. I'm asking, I'm not •• you know.

CHAIRMAN O'LEARY:

Okay. I'm going to move the motion to table unless there are any other questions concerning the tabling motion by Legislator Montano. On the motion to table 1662, all those in favor? Three in favor. Opposed? Four opposed. I'll make a motion to approve, seconded by Legislator Losquadro on 1662. On the question of 1662 on the motion to approve? Hearing none, all those in favor? Four. Opposed? Three. Motion passes 4•3.

LEG. FOLEY:

I didn't say no. Put me on the approval.

CHAIRMAN O'LEARY:

Legislator Foley is on the approval, five•two. 1662 is **APPROVED. (VOTE:5•2•0•0)**
(Opposed; Legis. Montano and Lindsay).

1664. Amending the 2004 Capital Budget and Program and appropriating funds in connection with the application and removal of lane markings. (COUNTY EXEC)

LEG. FOLEY:

Motion.

CHAIRMAN O'LEARY:

Motion to approve by Legislator Foley, seconded by Legislator Losquadro. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? 1664 is **approved**.
(VOTE:7•0•0•0)

1665•04. Authorizing the increase to the discharge to the Suffolk County Sewer District No. 3 • Southwest by Belmont Villas.
(COUNTY EXEC)

CHAIRMAN O'LEARY:

Motion to approve by myself, second by Legislator Losquadro. On the question of the motion to approve 1665? Hearing none, all those in favor? Opposed? Abstentions? 1665 is **approved**.
(VOTE:7•0•0•0)

1666•04. Authorizing execution of agreement by the Administrative Head of the Suffolk County Sewer District No. 13 • Windwatch with Motor Parkway Associates.
(COUNTY EXEC)

CHAIRMAN O'LEARY:

Motion to approve by myself, seconded by Legislator Foley. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? 1666 is **approved**. **(VOTE:7•0•0•0)**

CHAIRMAN O'LEARY:

We have tabled subject to call regarding 1321, 1510, and 1536. Jim, were these issues resolved or approved in subsequent resolutions? That's the rails to trails.

MR. SPERO:

That's correct. They've been approved and other was taken by the Legislature.

LEG. LINDSAY:

How about 1510?

CHAIRMAN O'LEARY:

1510 was also in the Capital Program. I believe it was in 1561, was it not? Was 1510 ••

LEG. CRECCA:

Yes.

CHAIRMAN O'LEARY:

Included in the resolution?

MR. SPERO:

Yes, it was, as was the rails to trails.

LEG. LINDSAY:

But 1510 is appropriating the fund to go forward with.

CHAIRMAN O'LEARY:

We did that in 1561.

LEG. FOLEY:

Mr. Chairman, I have a question.

CHAIRMAN O'LEARY:

Legislator Foley.

LEG. FOLEY:

An earlier agenda that you had mailed to the committee, 1670 was on that particular agenda, it's not on this agenda. That had to do with strengthening and improving County roads. Did we approve that by CN in June.

CHAIRMAN O'LEARY:

Yes. 1670 was approved June 28th.

LEG. FOLEY:

Okay. All right.

CHAIRMAN O'LEARY:

Any other questions before we adjourn? Hearing none, the meeting stands adjourned. Thank you.

(* THE MEETING WAS ADJOURNED AT 10:30 A.M*)

_ _ DENOTES BEING SPELLED PHONETICALLY